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# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Salt Lake Field Office  
2370 South 2300 West  
Salt Lake City, Utah 84119

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MAY 03 2001

DIVISION OF  
OIL, GAS AND MINING

APR 27 2001

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### DECISION

Sidney Hullinger  
McFarland & Hullinger  
P.O. Box 238  
Tooele, Utah 84074

:  
:  
: 43 CFR 3809  
: Plan of Operation Approval

We received your letter and attachment on March 9, 2001, amending your final reclamation quarry side profile for your proposed Stansbury Island Plan of Operations in Sections 21 and 28, T. 1 N., R. 6 W., Tooele County.

Under the current 43 CFR 3809.400 (b), your unapproved plan of operations was pending prior to the revised final 43 CFR 3809 regulations which were effective on January 20, 2001. Therefore, the plan content requirements and performance standards that were in effect before January 20, 2001 (i.e. 43 CFR parts 1000-end, revised as of October 1, 1999, attached) apply to this plan.

Your plan is hereby approved subject to the following stipulations and modifications:

1. There shall be no change from the approved activities and/or work-over plan without prior approval from the BLM Field Manager.
2. To reduce surface/vegetation disturbance, access to and from the proposed construction sites shall be confined to the constructed spur (haul) road and the proposed bench roads.
3. The operations site shall be wetted down when necessary to control ambient dust.
4. The operator shall stockpile six inches of topsoil for reclamation use later.
5. Any contaminated soil from potential petro-chemical spills shall be hauled away and disposed of in an authorized land fill or disposal area.
6. One - two years would be the time needed for vegetation to reestablish at the non-pit area,

also referred to as the "common area". To help reestablish regrowth areas, signs and/or boulders shall be used to deter off highway vehicles (OHV).

7. Seeding shall be done between October 15<sup>th</sup> and November 30<sup>th</sup> with a seed mixture recommended by the BLM. Several seeding applications may be necessary for successful regrowth of desirable species (non-weeds).
8. If cultural or paleontological resources are discovered during the course of mining operation, all work at the point of discovery would cease and the appropriate Field Manager of the BLM Salt Lake Field Office would be notified.
9. The operator shall comply with all County, State, and Federal standards and regulations.
10. To prevent the importation of noxious weeds, the operator shall clean and inspect vehicles and equipment before taking on site.
11. To prevent erosion, the haul (spur road) and bench level roads shall be maintained (i.e. crowned, water barred, ditched, and graveled).
12. Written notification shall be provided to the BLM within 30 days of completion of operations and reclamation by the operator.
13. Upon completion of operations all quarry areas shall be treated with Permeon. Permeon would change the color of the disturbed quartzite to match adjacent outcrops. The Permeon, Eonite, or any other inert coloration product shall be applied to the quartzite quarry areas that will no longer be drilled or blasted.
14. On blasting day, the operator shall warn the public by using signs.
15. A spray chemical recommended by BLM may be necessary to control cheatgrass or noxious weeds during the final reclamation regrowth process.
16. The portable toilet shall be retained on site until the mining operations end.
17. Topsoil shall be piled separately in the area north of the "common area" as mentioned in the Plan or as directed by the Authorized Officer.
18. The benches shall be at least 20 feet wide.
19. To warn the public users, the operator shall place a sign on the western boundary with "Beware Active Mining" or "Heavy Equipment Operating".
20. If oversize boulders remain in and around the quarry at the termination of mining and crushing activities, some of these boulders shall be scattered over the reclaimed "common area" or piled in an area as directed by the Authorized Officer.

21. Additional bench level access roads shall be constructed like the first bench level road (i.e. no side casting).
22. The operator shall obtain a right-of way to protect road improvements that are not on a mining claim (i.e. the portion of public lands south of the mining operation).
23. The operator shall not "daylight" the ridge line east of where the mining activities are occurring.
24. The operator shall continuously work toward final benching and blending with the existing ancient lake levels on Stansbury Island, as shown in the final reclamation profile, revised March 9, 2001.
25. The operator shall transport remaining topsoil leftover from the reclaimed "common area" to the final blended benches. If there is not sufficient topsoil, the operator shall bring in appropriate topsoil approved by the BLM authorized officer. The topsoil is needed to prevent a blunt horizontal feature.
26. After the topsoil has been spread over the final benches, the topsoil shall be reseeded and raked with the same seed mixture as the "common area".
27. Some of the surrounding boulders near the final benches shall be placed as directed by the BLM authorized officer, as necessary.

In addition, we concur with your use and occupancy of gates as long as you continue to comply with 43 CFR subparts 3715.2, 3715.2-1 and 3715.5 (attached).

BLM's approval of this Plan of Operations will not now, or in the future, serve as a determination of the ownership or the validity of any mining claim to which it may relate.

#### Provision for Appeal

An appeal from this decision may be taken to the State Director, Utah State Office, BLM, in accordance with the provisions in Title 43 of the Code of Federal Regulations (CFR) Subpart 3809.4. If an appeal is taken, the notice of appeal must be filed in this office at 2370 South, 2300 West, Salt Lake City, Utah, 84119 within thirty (30) days from receipt of this decision. Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director from this office. The appeal to the State Director must contain: 1) the name and mailing address of the appellant; 2) when applicable, the name claims and serial number(s) assigned to the claims recorded pursuant to Section 3833 of this title which are subject to appeal; and 3) a statement of reasons for appeal and any arguments the appellant wishes to present which would justify reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

During the appeal to the State Director, all decisions from which the appeal is taken shall be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of this Department, as it affects the claim(s). No appeal, protest, or petition for reconsideration will be entertained from this decision after the appeal period has expired.

Should you wish to file a motion for a stay, the appellant shall file the motion for a stay with the appeal. As noted above, the petition for a stay must be filed in the office of the Authorized Officer.

The motion for a stay must show sufficient justification, based on the following standards:

- 1) the relative harm to the parties if the stay is granted or denied;
- 2) the likelihood of the appellants' success on the merits;
- 3) the likelihood of immediate and irreparable harm if the stay is not granted; and
- 4) whether the public interest favors granting the stay.

If you have any questions, or require additional information, please feel free to contact Cheryl Martinez of my staff at (801) 977-4371.

Sincerely,

**/S/ MICHAEL G. NELSON**

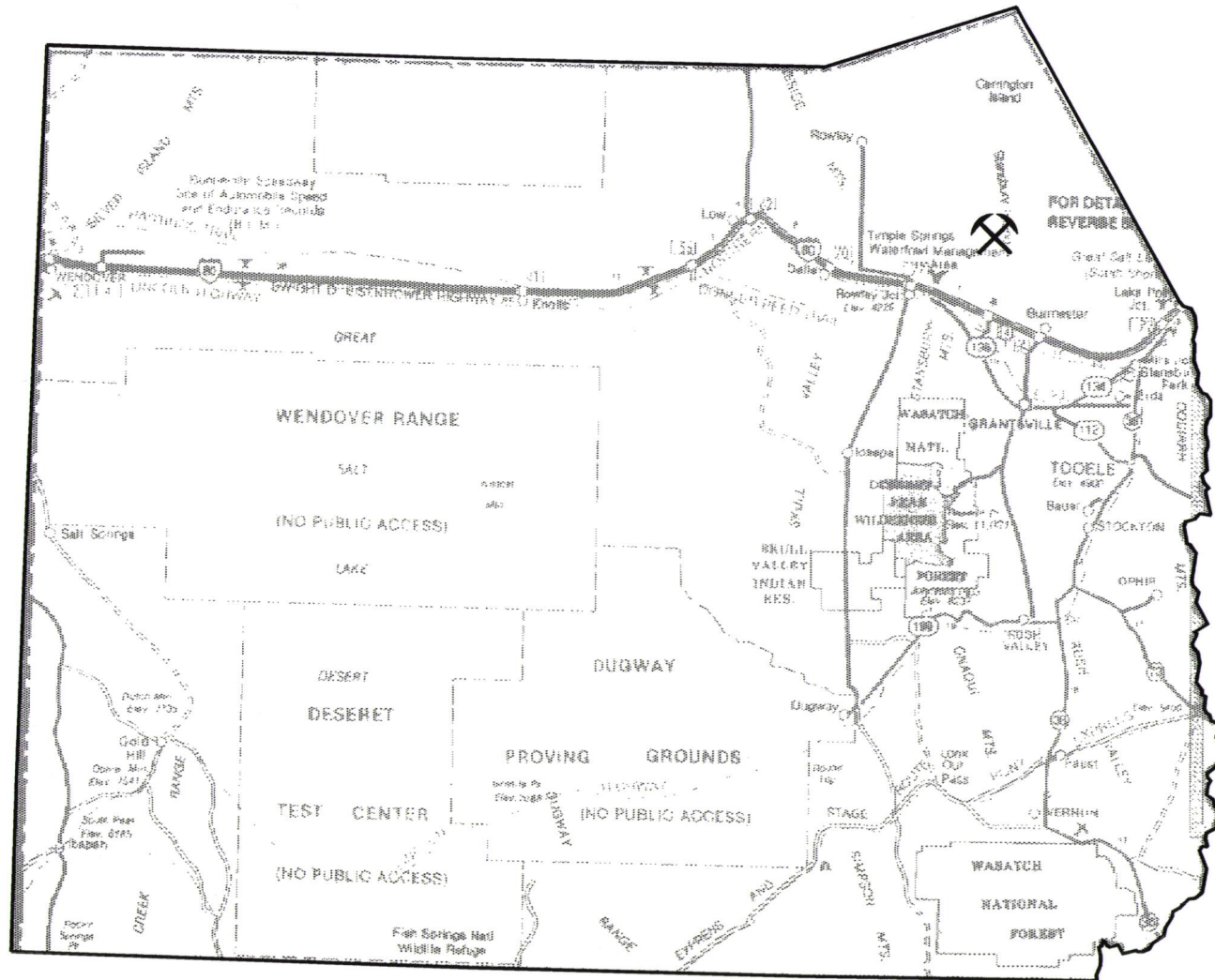
Michael G. Nelson  
Acting Assistant Field Manager  
Non-Renewable Resources

Attachments (2)

cc: D. Wayne Hedberg; Division of Oil, Gas and Mining



# MINE SITE LOCATION MAP



**Mineid: M450046**  
**Mine name: SIO2 1-6**  
**Operator: MCFARLAND & HULLINGER**

